



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Ramon MOLINA-Martinez,

Defendant.

Mag. Case No. '08 MJ 8472

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326
Attempted Entry After Deportation

The undersigned complainant being duly sworn states:

On or about May 23, 2008, within the Southern District of California, defendant Jose Ramon MOLINA-Martinez, an alien, knowingly and intentionally attempted to enter the United States of America with the purpose, i.e. conscious desire, to enter the United States without the express consent of the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, after having been previously excluded, deported or removed from the United States to Mexico, and not having obtained said express consent to reapply for admission thereto; and committed an overt act, to wit, crossing the border from Mexico into the United States, that was a substantial step towards committing the offense, all in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 27th DAY OF MAY 2008.

PETER C. LEWIS
U.S. MAGISTRATE JUDGE

I, Senior Border Patrol Agent Mikuski declare under penalty of Perjury, the following is true and correct:

PROBABLE CAUSE STATEMENT

The complainant states that this complaint is based upon the statements from the investigative reports by Border Patrol Agent E. Villegas, that the defendant, Jose Ramon MOLINA-Martinez, a citizen of Mexico was found and arrested on or about May 23, 2008 approximately twelve miles east of Calexico, California.

At approximately 5:50 p.m. the Calexico Border Patrol Station's Remote Camera Operator (RVSS) observed a group illegally enter the United States east of the Calexico Port of Entry. The RVSS Operator notified Agent M. Lemus the group was walking north of the international border with Mexico. Agent Lemus, with the assistance of the RVSS Operator was able to locate the group. Agent Lemus identified himself to the group, including one individual later identified as Jose Ramon MOLINA-Martinez, and questioned them. It was determined they are all citizens of Mexico illegally in the United States. MOLINA and the others were arrested and transported to the Calexico Station.

During processing at the station, a record check of MOLINA revealed he has been previously removed from the United States on 11/21/2005. A further records check of MOLINA revealed he has a serious criminal history.

Agent L. Marroquin witnessed Agent F. Gurrola read MOLINA his rights per Miranda. MOLINA stated he understood his rights and was willing to speak with agents without an attorney present. MOLINA stated he does not have any documents that would allow him to be in the United States legally. MOLINA stated he was aware it is illegal to be in the United States without being inspected by Immigration Agents. MOLINA stated he has a criminal record.

There is no evidence MOLINA has sought or received permission from the Attorney General of the United States or the Secretary of the Department of Homeland Security to re-enter the United States after being deported.

Executed on May 24, 2008, at 11:45 AM.


Michael Mikuski
Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find Probable Cause to believe that the defendant named in this probable cause statement committed the offense on May 23, 2008 in violation of Title 8, United States Code, 1326.


Honorable Jan M. Adler
United States Magistrate Judge

5/24/08 @ 1:07 p.m.
Date/Time